

Permit: USACE Permit No. 200001460

### PROPOSED ADMINISTRATIVE PENALTY ORDER

Under the authority granted by 33 U.S.C. § 1319(g) and 33 CFR Part 326.6, I, Colonel John E. Pulliam, Jr., District Commander, Wilmington District, propose to issue this order assessing a Class I Administrative Penalty for violation of the above-referenced permit.

**Name/Address of Permittee:**

Waste Industries, Inc.

**Permitted Activity:**

The discharge of earthen fill material within 11.0 acres of Department of the Army (DA) jurisdictional wetlands, to facilitate the expansion of the Sampson County Municipal Solid Waste Landfill, on property located off N.C. Highway 24, adjacent to Bearskin Swamp, near Roseboro, Sampson County, North Carolina, consistent with the application and plans for USACE Permit No. 200001460.

**Condition(s) or Limitation(s) of Permit Reportedly Violated:**

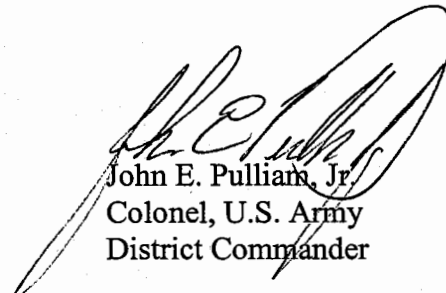
Waste Industries, Inc. failed to comply with special condition 10 b. of its November 10, 2002 permit, which states, "The creation mitigation must be initiated simultaneously or prior to any impacts to the permitted wetland areas," and that "all [mitigation] work must be completed within 30 days of the completion of filling the project wetland area."

**Description of the Nature of the Violation(s):**

Waste Industries, Inc. constructed the landfill facility in wetlands without complying with this permit condition. Waste Industries, Inc. only recently completed construction of the required compensatory mitigation work.

I propose to assess a Class I Administrative Penalty against the permittee in this case for \$5,000; however, this proposal is subject to revision in the interest of justice after all evidence and comments have been received and reviewed. The amount that may be assessed as a Class I Administrative Penalty may not exceed \$11,000 per individual violation or a maximum amount of \$27,500.

Issued this 9<sup>th</sup> day of March 2006.

  
John E. Pulliam, Jr.  
Colonel, U.S. Army  
District Commander